


GUIDELINE 3 Section 21 of the *Aboriginal Heritage Act 1988*

Excavating sites, objects or remains



**Government
of South Australia**

Department of the
Premier and Cabinet



This section particularly applies to anyone planning to excavate an Aboriginal Site, or an excavation to locate an Aboriginal site, object, or remains.

An application under Section 21 of the *Aboriginal Heritage Act 1988* empowers the Minister to authorise a person to excavate land in order to determine the extent and archaeological significance of a potential site.

It is the policy of the Minister that:

- (a) authorisation will only be given to persons with appropriate qualifications; and
- (b) excavations will only be authorised where the purpose is to determine how best the site can be identified and protected to preserve Aboriginal heritage.

The consultation process (as in section 13) must also be complied with, because a person needs authorisation from the Minister. The Minister must therefore follow procedures under section 13 and consult the Aboriginal Heritage Committee, traditional owners and any Aboriginal people with a particular interest in the matter.

Persons wishing to conduct an excavation must submit the attached form to the Aboriginal Heritage Branch.

Section 21 of the *Aboriginal Heritage Act 1988*

21. *A person must not, without the authority of the Minister, excavate land for the purpose of uncovering any Aboriginal site, object or remains.*

Penalty: (a) in the case of a body corporate - \$50,000;

(b) in any other case - \$10,000 or imprisonment for 6 months.

Application under section 21 of the *Aboriginal Heritage Act 1988* for authorisation to excavate land for the purpose of uncovering an Aboriginal site, objects or remains.

To the Manager Aboriginal Heritage Branch, Department of the Premier and Cabinet Aboriginal Affairs and Reconciliation Division:

I

(name)

apply for an authorisation to excavate the Aboriginal site named:

for the purpose of:

Research

Salvage of archaeological material

Salvage and reburial of Aboriginal remains

Salvage prior to damage to site

Other:

Location of the site

Grid Ref:

Map sheet:

Lot No:

Plan No:

Section/Block:

Hundred:

South Australian Register of Sites and Objects number:

South Australian State Heritage Register number:

Register of the National Estate number:

Name, address and contact number of owner, occupier or lessee of the land:

Please attach documentary evidence that permission has been obtained from the owner, occupier or lessee of the land for this project.

Name and contact number of Traditional Owner(s) or person(s) representing the Aboriginal organisation(s), involved in and supporting this project:

State actual involvement of Traditional Owner(s) and/or members of this organisation in the excavation and post excavation process:

Please attach a copy of signed and dated written support from Traditional Owner(s) and/or this organisation.

Proposed dates of commencement and completion of the excavation:

Start:

Finish:

Note: If research area is located in a National Park, provide a copy of completed application for permit to conduct scientific study.

Name and qualifications of the excavation supervisor(s):

Note: All excavations must be supervised by a qualified archaeologist who meets the criteria for full membership of the Australian Association of Consulting Archaeologists Incorporated.

Name and qualifications of other professional people involved:

Purpose of the excavation:

Please attach a map of the proposed area of excavation and an outline of the work plan, which should include the size of the area or number and size of the test pits to be excavated.

A site card or an amendment to an existing site card must be also forwarded.

Is there a proposal to obtain samples for dating? If so, please explain the methodology for collection type of sample to be obtained and the method of dating to be used:

Where will the excavated material be deposited?

What analysis is planned for this material?

What reports and publications are planned?

Describe the proposed methods of rehabilitation of the site(s) after completion of the project:

Who do I contact for further advice?

For assistance or further information regarding these Guidelines please contact:

The Aboriginal Heritage Branch
Aboriginal Affairs and Reconciliation Division
Department of the Premier and Cabinet
PO Box 2343
ADELAIDE SA 5001
Phone 08 8226 8900
Facsimile 08 8226 8999

Cover: Grindstone from the Murray-Darling Basin, used to grind nardoo and grass seed. [Supplied by SA Museum A22601]

Strip: Engraving site, Flinders Ranges [Supplied by Aboriginal Heritage Branch (DPC-AARD)]

Disclaimer: This document is a guide only and should not be relied upon to ensure compliance with the *Aboriginal Heritage Act 1988*. Persons proposing to undertake activities that may damage, disturb or interfere with Aboriginal sites, objects or remains should seek specific advice.